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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,979	04/12/2001	Carl Ellingsworth	10944-US	9733

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EXAMINER

RIOS CUEVAS, ROBERTO JOSE

ART UNIT	PAPER NUMBER
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2836

DATE MAILED: 03/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Applicati n No.

09/832,979

Applicant(s)

ELLINGSWORTH

Examin r

Roberto J Rios

Art Unit

2836

-- The MAILING DATE of this communication appears on the c ver sheet with the c rresp ndence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-21 is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,5,8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

1. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119(e) as follows:

a. It is noted that this application appears to claim subject matter disclosed in prior Application No. 60/196,301, filed 04/12/2000. A reference to the prior application must be inserted as the first sentence of the specification of this application or in an application data sheet (37 CFR 1.76), if applicant intends to rely on the filing date of the prior application under 35 U.S.C. 119(e) or 120. See 37 CFR 1.78(a). For benefit claims under 35 U.S.C. 120, the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of all nonprovisional applications. Also, the current status of all nonprovisional parent applications referenced should be included.

If the application is a utility or plant application filed under 35 U.S.C. 111(a) on or after November 29, 2000, the specific reference to the prior application must be submitted during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. If the application is a utility or plant application which entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the specific reference must be submitted during the pendency of the application and within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months

from the filing date of the prior application. See 37 CFR 1.78(a)(2)(ii) and (a)(5)(ii). This time period is not extendable and a failure to submit the reference required by 35 U.S.C. 119(e) and/or 120, where applicable, within this time period is considered a waiver of any benefit of such prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). A priority claim filed after the required time period may be accepted if it is accompanied by a grantable petition to accept an unintentionally delayed claim for priority under 35 U.S.C. 119(e), 120, 121 and 365(c). The petition must be accompanied by (1) the reference required by 35 U.S.C. 120 or 119(e) and 37 CFR 1.78(a)(2) or (a)(5) to the prior application (unless previously submitted), (2) a surcharge under 37 CFR 1.17(t), and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional. The petition should be directed to the Office of Petitions, Box DAC, Assistant Commissioner for Patents, Washington, DC 20231.

### ***Drawings***

2. The drawings are objected to because empty boxes should be labeled as to their proper function. For example: empty box (51') should be labeled "switch". A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Objections***

3. Claim 14 is objected to because of the following informalities: the limitation "electrical/mechanical" renders the claim unclear. It is not clear if the switch means comprises an electrical and a mechanical keylock switch or only one of them. Claims 6-15 are objected because the preamble recites, "the combination as set forth". It is believed the preamble should recite, "The arrangement as set forth". Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3-5, 7, 8, and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Kojima et al (US patent 6,077,133).

As per claims 1 and 5, Kojima et al (herein after Kojima) an arrangement for preventing unauthorized access to a vehicle and a method for preventing unauthorized access to a vehicle having a motor, a power source for said motor, a magneto and a stator housed within a housing and an ignition generator coil connected in electrical communication with said magneto, comprising the steps of: providing an ignition generator coil interrupt circuit (51) electrically connected to said ignition generator coil

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(46), said circuit for selectively interrupting power to said ignition generator; mounting said ignition generator coil interrupt circuit directly within said housing (Figure 2); providing switch means (53) connected to said circuit for allowing power interruption to said ignition generator coil; and activating said switch means to interrupt power to said ignition generator coil and disabling engine starting (col. 4, line 16).

As per claims 3 and 7, Kojima teaches said ignition generator coil interrupt circuit being mounted adjacent said ignition generator coil (Figure 2).

As per claims 4, Kojima teaches providing an opening in said housing for providing access for said switch means to said ignition generator coil interrupt circuit (Figure 2).

As per claim 8, Kojima teaches said circuit being positioned between said ignition generator coil (46) and circuitry for starting said motor (Figure 2).

As per claims 13 and 14, Kojima teaches said switch means including a digitally encoded key (52) and a circuit to communicate with said key (col. 3, line 56); wherein said switch means further comprises an electrical/mechanical keylock switch (53) mounted to said housing in electrical communication with said circuit (Figure 3).

As per claim 15, Kojima teaches said vehicle being a watercraft.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima.

As per claims 2 and 6, Kojima teaches providing the ignition generator coil interrupt circuit mounted within said housing but does not specifically disclose mounting said interrupt circuit between said stator and said magneto. However, the Examiner takes official notice that to selectively shift the location of said interrupt circuit within said housing would be an engineering design choice that would not modify the operation of the device, In re Japikse, 86 USPQ 70 (CCPA 1950).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Kojima such that said interrupt circuit is mounted between said stator and said magneto for the purpose of maximizing the space available within the housing. Moreover, the Examiner agrees with applicant's statement that positioning said interrupt circuit between the stator and the magneto is not a critical part of the invention and that said circuit could be positioned anywhere within the housing as long as a suitable connection to ignition generator coil is provided (page 3).

8. Claims 9, 10 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima in view of Phelon et al (US patent 2,892,110).

As per claim 9, Kojima teaches the system comprising a magneto and a stator but does not specifically disclose the stator comprising a stator plate. However, Phelon et al (herein after Phelon) teaches a magneto and stator, wherein said stator comprises a stator plate (col. 1, line 63+).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Kojima with the teachings of Phelon such that the stator comprises a stator plate for the purpose of providing a carrying support for ignition generator coil.

As per claim 10, Kojima teaches providing the ignition generator coil interrupt circuit mounted within said housing but does not specifically disclose mounting said interrupt circuit between said stator and said magneto. However, the Examiner takes official notice that to selectively shift the location of said interrupt circuit within said housing would be an engineering design choice that would not modify the operation of the device, In re Japikse, 86 USPQ 70 (CCPA 1950).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Kojima such that said interrupt circuit is mounted between said stator and said magneto for the purpose of maximizing the space available within the housing. Moreover, the Examiner agrees with applicant's statement that positioning said interrupt circuit between the stator and the magneto is not a critical part of the invention and that said circuit could be positioned anywhere within the housing as long as a suitable connection to ignition generator coil is provided (page 3).

As per claims 16 and 17, Kojima teaches all the limitations except providing a stator plate and mounting said ignition generator coil to said stator plate. However, Phelon teaches a magneto and stator, wherein said stator comprises a stator plate carrying an ignition coil (col. 1, line 63+).



It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Kojima with the teachings of Phelon such that the stator comprises a stator plate for the purpose of providing a carrying support for ignition generator coil.

Kojima teaches providing the ignition generator coil interrupt circuit mounted within said housing but does not specifically disclose mounting said interrupt circuit between said plate and said generator coil. However, the Examiner takes official notice that to selectively shift the location of said interrupt circuit within said housing would be an engineering design choice that would not modify the operation of the device, In re Japikse, 86 USPQ 70 (CCPA 1950).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Kojima such that said interrupt circuit is mounted between said stator and said magneto for the purpose of maximizing the space available within the housing. Moreover, the Examiner agrees with applicant's statement that positioning said interrupt circuit between the stator and the magneto is not a critical part of the invention and that said circuit could be positioned anywhere within the housing as long as a suitable connection to ignition generator coil is provided (page 3).

As per claim 18, Kojima teaches said vehicle being a watercraft.

9. Claims 11 and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima in view of Maxon (US patent 5,927,240).

As per claims 11 and 12, Kojima teaches using an electronic key and a circuit to communicate with said key but does not specifically disclose providing a remote control switch comprising a transmitter and a receiver mounted to said circuit. However, Maxon teaches a engine housing comprising a power interruption circuit, wherein said circuit comprises remote control switch means, a transmitter and a receiver mounted to said circuit (col. 31, line 11+).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Kojima with the teachings of Maxon such that said interrupt circuit comprises a remote control switch means, a transmitter and a receiver mounted to said circuit for the purpose of controlling enablement/disablement of said circuit from a remote location such as vehicle interior.

***Allowable Subject Matter***

10. Claims 19-21 are allowed.

11. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach or fairly suggest an antitheft system for a vehicle comprising a switch means provided to interrupt power delivered to said sensors and communication to an ECU, wherein said switch is mounted to at least one of said sensors as in the claimed combination of elements recited in claim 19.

12. Art of general nature relating to vehicle engine control has been cited for applicant's review.

**Communication with PTO**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberto Rios whose telephone number is (703) 306-5518. In the event that Examiner Rios cannot be reached, his supervisor, Brian Sircus may be contacted at (703) 308-3119. The fax number for Before-Final communications is (703) 872-9318, for After-Final communications is (703) 872-9319, and for Customer Service is (703) 872-9317.



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